

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GILBERT CONSTRUCTION SERVICES, INC.-  
GRAHAM ESTATES SUBDIVISION

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) CASE NO. 96-399  
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ALLEGED FAILURE TO COMPLY WITH  
KRS 278.140 AND KRS 278.230(3)

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O R D E R

Gilbert Construction Services, Inc.-Graham Estates Subdivision ("Gilbert-Graham") owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which is used for and in connection with the treatment of sewage for the public for compensation. It is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(f).

KRS 278.140 requires every utility, on or before March 31 of each year, to file with the Commission a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year.

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. Commission Regulation 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission on or before March 31 of each year a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission.

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or Commission regulation shall be subject to a civil penalty not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500).

On January 3, 1996, the Commission provided to Gilbert-Graham the standard forms for the report of its gross earnings and the annual financial and statistical report. According to Commission records, it has yet to file its report of gross earnings and its financial and statistical report for the 1995 calendar year with the Commission. The absence of these reports from Commission records constitutes prima facie evidence that Gilbert-Graham has willfully failed to comply with KRS 278.140 and KRS 278.230(3).

IT IS THEREFORE ORDERED that:

1. Gilbert-Graham shall file with the Commission, no later than September 26, 1996, its report of gross earnings and the financial and statistical report for the 1995 calendar year.

2. Gilbert-Graham shall appear on October 2, 1996, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause, if any it can, why it should not be subjected to the penalties in KRS 278.990(1) for its failure to comply with KRS 278.140 and KRS 278.230(3).

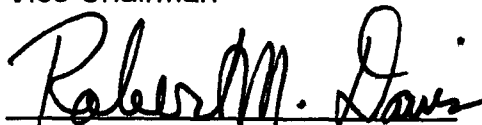
3. If Gilbert-Graham desires to waive its right to a hearing in this matter, it shall, no later than September 26, 1996, file the required report and pay a penalty of \$250. Payment of the penalty shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be delivered to Office of General Counsel, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 26th day of August, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director